		3
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6	COMMONWEALTH ANNUITY AND LIFE INSURANCE COMPANY f/k/a ALLMERICA	
7	FINANCIAL LIFE INSURANCE AND ANNUITY CO	
8	UNITED STATES DIST	PDIOT COLIDT
9	NORTHERN DISTRICT O	
10		
11	COMMONWEALTH ANNUITY AND	)
12	LIFE INSURANCE COMPANY f/k/a ALLMERICA FINANCIAL LIFE	Case No. CV 08 1739 EDL
13	INSURANCE AND ANNUITY CO.,	) }
14	Plaintiff,	
15	vs.	CONSENT TO PROCEED
16	JOHN DALESSIO; RITA DALESSIO; and the DALESSIO FAMILY 2003 TRUST,	MAGISTRATE JUDGE
17	Defendants.	
18 19	JOHN DALESSIO; RITA DALESSIO and the	
20	DALESSIO FAMILY (2003) TRUST,	, }
21	Counter-Claimants, vs.	
22	COMMONWEALTH ANNUITY AND LIFE	
23	INSURANCE COMPANY f/k/a ALLMERICA FINANCIAL LIFE INSURANCE AND ANNUITY	) )
24	COMPANY, a Delaware corporation; DAVID SHANE, an individual; VAUGHN R. WALKER,	) >
25	an individual; ANN SPARKMAN, an individual; and DOES 1 through 20,	
26	Counter-Defendants.	
27		, }
l		

## CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

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In accordance with the provisions of Title 28, U.S.C., Section 636© the undersigned party in the above-captioned civil matter hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

DATED: June 30<sup>th</sup>, 2008

#### SHANE & TAITZ

By:	/s/	David R. Shane		
	David R. Shane			
	Attorneys for Plaintiff and Counter-			
	Defendant COMMONWEALTH			
	ANNUITY AND LIFE INSURANCE			
	COM	COMPANY f/k/a ALLMERICA		
	FIN A	FINANCIAL LIFE INSURANCE		
	AND ANNUITY CO.			

#### PROOF OF SERVICE BY MAIL

Commonwealth Annuity, etc. vs. Dalessio, et al.

I declare that I am employed in the County of Marin, State of California. I am over eighteen years and not a party to the within cause; my business address is Shane & Taitz, 1000 Drakes Landing Road, Suite 200, 2<sup>nd</sup> Floor, Greenbrae, California 94904-3027.

On July 3, 2008, I served upon the interested party/parties hereto the within document, described as:

# Consent to Proceed Before A United States Magistrate Judge

by enclosing said document in a sealed envelope at Greenbrae, California. I am readily familiar with the firm's practice of collection and processing of items for mailing. Under that practice, each item is deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Greenbrae, California, during the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation/meter date is more than one day after date of deposit for mailing in affidavit. The item mailed is addressed, as follows:

#### Refer to Attached Service List

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

This declaration was executed on July 3<sup>rd</sup>, 2008 at Greenbrae, California.

/s/ Molly B. Libbey
Molly B. Libbey

Page 1

Proof of Service by Mail

## **SERVICE LIST**

#### Commonwealth Annuity, etc. vs. Dalessio, et al.

### <u>Defendants and Counter-Claimants</u>

JOHN DALESSIO 16 Via Las Encinas Carmel Valley, California 93924-9449

RITA DALESSIO 16 Via Las Encinas Carmel Valley, California 93924-9449

DALESSIO FAMILY [2003] TRUST 16 Via Las Encinas Carmel Valley, California 93924-9449

Proof of Service by Mail Page 2